

CHAPTER 35**COMMUNITY FORESTRY***(Revised 07/14/20)*

Section 35.010.	Purpose
Section 35.020.	Definitions
Section 35.030.	Applicability
Section 35.040.	Coordination between Departments
Section 35.050.	Trees Advisory Board
Section 35.060.	Annual Plan of Work
Section 35.070.	Public Tree Care Specifications and Standards
Section 35.080.	Street Tree Guidelines
Section 35.090.	Street Tree and Public Tree Care
Section 35.100.	Street Trees – Private Owner Responsibility
Section 35.110.	Street, Sidewalk and Corner Clearance
Section 35.120.	Tree Preservation
Section 35.130.	Injuring Trees
Section 35.140.	Appraisal of Trees
Section 35.150.	Power Line Clearance Standards
Section 35.160.	Resolution of Conflicts Between Trees and Structures
Section 35.170.	Replacement of Street Trees
Section 35.180.	Dangerous or Hazardous Conditions Which are Declared a Public Nuisance
Section 35.190.	Abatement or Removal of Dangerous or Hazardous Trees on Private Property
Section 35.200.	Interference with Maintenance and Removal Unlawful
Section 35.210.	Penalty for Violation
Section 35.220.	Appeals

Section 35.010 Purpose.

The City recognizes that trees are a valuable community resource that need to be protected and enhanced through proper management, education, and stewardship. Healthy trees reduce air and noise pollution, provide energy-saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life. This chapter is not intended to resolve or regulate any disputes over trees on private property that do not affect general public safety. The provisions of this chapter are enacted to:

- A. establish, preserve and maintain the maximum amount of quality tree cover on public and private lands within the boundaries of Lehi City to enhance the City's environmental, economic and social character with mature trees;
- B. encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its area of impact;
- C. protect public safety, health and welfare by maintaining public trees in a healthy and non- hazardous condition through appropriate arboricultural practices;
- D. provide for the planting, maintenance, and removal of dead, dying or hazardous trees on City lands, and on private lands as needed;
- E. inform and educate property owners and City staff of new and existing guidelines for dealing with public trees adjacent to their property, and hazardous trees on private properties;
- F. establish and maintain appropriate diversity of tree species and age classes to provide a stable and sustainable community forest;

- G. provide for the preservation, marking and maintaining of historic or notable trees through an initial inventory of trees within the City;
- H. develop and maintain a street tree and landscape tree selection guide;
- I. develop and maintain an Annual Urban Forestry Plan of Work;
- J. protect the City's electric power system and promote public health and safety, and protect, as much as possible, the health and vigor of the trees adjacent to or under power lines within the City while preventing tree-related electric power outages; and
- K. implement the goals and objectives of the general plan.

Section 35.020 Definitions.

For the purpose of as used in this Chapter:

- A. "Arboricultural Standards and Specifications" shall refer to the standards and specifications in this chapter.
- B. "Adjacent Property Owner" means any person owning property adjacent to a public right-of-way.
- C. "American National Standards Institute" or "A.N.S.I." refers to a current set of nationally established standards for tree care operations and maintenance adopted by the City in this chapter.
- D. "A.P.P.A." shall refer to the American Public Power Association.
- E. "Best Management Practices" or "BMP" shall refer to the ISA series developed for the purposes of interpreting tree care standards and providing guidelines to those working with trees, as adopted by Lehi City.
- F. "Community Forest Program" shall mean the program and staff of all departments in Lehi City charged with the care and management of public trees.
- G. "International Society of Arboriculture" or "I.S.A." shall refer to the internationally recognized organization for arboriculture whose mission is to foster a greater appreciation for trees and to promote the research, technology, and practice of professional arboriculture.
- H. "Invasive Species" shall mean a species of tree, vegetation, or pest that is likely to cause economic or environmental harm to either the environment or human health.
- I. "Hazardous Trees" shall mean dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or property and that have the potential to cause damage, personal injury or fatality in the event of a failure.
- J. "Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fire and State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302., A Heritage Trees Advisory Committee composed of five persons appointed by the division.
- K. "Non-Public Trees" shall mean trees on private property.
- L. "Planter Strip" or "Park Strip" shall mean the area between the curb and the sidewalk, or publicly owned land adjacent to a publicly owned street or sidewalk.
- M. "Public Right-of-Way" refers to improved or unimproved public property owned by, dedicated to, or deeded to the public or for public use for the purpose of providing vehicular, pedestrian or other public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to streets, sidewalks, bike lanes, landscaping, provisions for public utilities, cut and fill slopes, and open public space.
- N. "Public Tree" or "Street Tree" shall mean a tree in any public place, located on Lehi City property, including but not limited to planter strips.
- O. "Public Utility" refers to any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, telephone, transportation, and water or sewer service.
- P. "Tree Advisory Board" refers to a board consisting of the Urban Forester and other City departments that serves and collaborates about citywide matters pertaining to the planting, health, and care of the community urban forest. The primary functions of the Board are to make an Arbor Day Proclamation.

- Q. “Top” or “Topping” shall mean the severe cutting back of limbs to stubs within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree or severely alter the species’ genetic structural characteristics.
- R. “Tree Litter” refers to any plant material or debris such as leaves, bark, needles, twigs, cones/seeds or fruit that has fallen to the ground
- S. “Tree City USA” shall mean a designation by the National Arbor Day Foundation recognizing cities that effectively manage their tree resources based on four main standards which include: a tree committee, a community tree ordinance, a community forestry program with an annual budget of at least \$2 per capita, and an annual Arbor Day observance and proclamation.
- T. “Tree Permit” shall refer to a permit obtained from the City to install a new tree within any City right-of-way.
- U. “Urban Forester” shall mean the City arborist responsible for the care and management of the urban canopy.
- V. “Vegetation” shall include trees, bushes, shrubs, hedges and any other vegetation coming under the provisions of this chapter.

Section 35.030 Applicability.

This chapter applies to all trees in Lehi City located on public property or in public rights-of-ways, along with public and private trees that are a public nuisance or hazard. In the case of any discrepancy, the Lehi City Municipal Code and Design Standards and Public Improvement Specifications shall take precedence.

Section 35.040 Coordination between Departments.

There shall be close coordination between the Parks Department and all city departments when public trees are affected. Sight distance concerns for stop signs and other regulatory signs or clear view areas at street intersections shall be referred to the Street Department Supervisor who shall coordinate with the Urban Forester to take the necessary corrective action. Plans for all lighting, power transmission and distribution, sewer, irrigation, water, street and other public works projects shall be considered with reference to their effect upon trees on public property prior to the beginning of work on such projects. The various city department heads shall coordinate programs with the Parks Department and follow ISA and BMP to minimize damage to trees on all projects.

Section 35.050 Trees Advisory Board.

The Tree Advisory Board shall serve as an advisory body to the Parks Department and other City Departments in making decisions pertaining to this Chapter. The Tree Advisory Board shall:

- A. assist the Parks Department in the development and administration of a community tree management program;
- B. review development applications that includes elements pertaining to community forestry, and provides recommendations to the Parks Department, Planning Commission and City Council regarding the applications;
- C. assist the Parks Department in establishing educational and information programs;
- D. in cooperation with the Lehi City Historic Preservation Commission, assist the Urban Forester in marking notable or historic trees for preservation; and
- E. assist the Urban Forester in scheduling and planning an annual Arbor Day observance.

Section 35.060 Annual Plan of Work.

- A. An annual plan of work shall be prepared by the Urban Forester with communication and guidance from each department involved with the care, planting, maintenance, or removal of trees. The plan shall be updated every year and prepared in such a way that it meets the criteria for Tree City USA designation. The plan may address items such as species diversity, planting needs, hazardous trees, insect and disease problems, and a pattern of regular care such as pruning and watering.
- B. An updated inventory of public trees, work performed, maintenance and future plans shall be kept by the Urban Forester and Parks Department and may be modified by the Urban Forester at any time.
- C. The Lehi City Tree Selection Guide, the Unacceptable Street Tree List, and the Landscape Specifications and Standards shall be reviewed each year and may be modified by the Parks Department

35.070 Public Tree Care Specifications and Standards.

- A. A permit shall not be required for work performed by the city during their duties. The Parks Department shall direct all work being performed on any public tree. An ISA certified arborist must be on site when any pruning work is performed on any public tree unless otherwise approved by the Urban Forester. Inadequate or improperly trained personnel shall not be utilized for any work on trees beyond their capacity or ability.
 - 1. Warning devices on streets and sidewalks shall be used as required by the State and City laws while work on public trees or shrubs is being performed.
 - 2. All work on trees shall be performed according to the latest revision of the following national standards and BMP's:
 - (a) A.N.S.I. A300 Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standard Practices;
 - (b) Tree Care Operations Standard A.N.S.I. Z-133.1, Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements;
 - (c) I.S.A. Tree Pruning Guidelines;
 - (d) A.P.P.A. Safety Manual as adopted by the Lehi City Power Department; and
 - (e) Lehi City Arboricultural Standards and Specifications.
- B. It is unlawful for any person to allow, permit or cause an entire tree to be cut down or felled upon, over or across any public street, thoroughfare, sidewalk or alley without first obtaining a permit from Public Works. The Public Works Director may require a bond prior to commencement of work
- C. All stumps of street and public trees shall be removed no less than six inches below the surface of the ground. Any holes remaining in the ground shall be backfilled to the surrounding grade.
- D. All debris generated from any tree maintenance operation shall be removed promptly. The work area shall be kept safe until all cleanup is completed. It shall be the obligation of the homeowner or contractor to clean up any debris including any branches, trunks, chips, tree litter, soil, and gravel, etc. from the work area and to dispose of such debris in such manner that it will not remain on city streets, sidewalks, gutters and storm drains so that it will not flow into city sewers, or that it will not have to be hauled by the city

Section 35.080 Street Tree Guidelines.

All street tree plantings shall be in conformance with the provisions of this Chapter and as follows:

- A. Tree Permit Required. No person shall plant a street tree, public tree, or water wise landscape within a City right-of-way or City owned property without first obtaining a permit from the Parks Department.

1. Permits shall be free of charge.
 2. Any vegetation planted contrary to the provisions of this chapter or any permit issued hereunder may be removed by the City.
 3. A permit shall not be required for work performed by the City during their duties.
- B. The Parks Department shall have the authority and it shall be its duty to inspect and approve all proposed street tree plantings for residential and commercial subdivisions and developments within the City.
- C. Street tree plant strips shall conform to the current Lehi City Design Standards and Public Improvement Specifications.
- D. Street trees shall have a minimum caliper size of two inches.
- E. The Parks Department shall develop and maintain a Tree Selection Guide that includes a list of allowed trees for planting along streets in three size classes based on mature height: small, under 25 feet; or medium, 25 to 40 feet; and large, over 40 feet. Tree species shall be selected from the Tree Selection Guide and shall be appropriate to their location. Drought tolerant and pest resistant species are encouraged whenever possible and appropriate.
- F. The spacing of street trees shall be in accordance with the tree species size classes listed in the Tree Selection Guide, and shall be spaced according to the following; small trees, 20 feet; medium trees, 30 feet; large trees, 40 feet, except that trees may be spaced closer together in special plantings designed or approved by a landscape architect. The Parks Department may change the spacing requirement to accommodate any utilities obstructions or signage.
- G. In order to minimize damage to public improvements, the distance that trees may be planted from curbs and sidewalks will be in accordance with Tree Selection Guide. Private trees shall not be planted within 4 feet of sidewalk or curb. All trees shall be centered in the park strip.
- H. No street tree shall be planted within the clear view area at street intersections, nor shall a tree canopy extend within the clear view area. The clear view area is a triangular area formed by the streets at the property lines and a line connecting them at points 35 feet from the intersection of the street right-of-way lines.
- I. No street tree shall be planted within ten feet of any fire hydrant, power transformer or driveway.
- J. No street tree shall be planted within 35 feet of a street warning sign.
- K. No street tree shall be planted in park strips less than seven feet wide.
- L. It shall be unlawful to plant within any public right-of-way any tree on the unacceptable Street Tree List that is provided with a tree permit obtained by Lehi City. Every person who shall plant any such prohibited tree shall be required to remove it at their own expense.

Section 35.089 Street Tree and Public Tree Care.

- A. The City shall have the right to plant, prune, spray, maintain, and remove trees, plants and shrubs within the street right-of-way and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public areas.
- B. Following consultation and recommendation by the Urban Forester, City employees may be authorized to maintain, remove, or cause to be removed any public tree, vegetation or part thereof, including root, which is in an unsafe condition or which by reason of its nature is, or may become injurious to, sewers,

storm drains, electric power lines, gas lines, water lines, or other public improvements, is an invasive species of is infected with any injurious fungus, insect, or pest. The City shall also have the authority to remove any public tree that has been planted in violation of this Code or any other ordinance of the City. The removal or cutting down of any tree on public property shall not be allowed without first obtaining written permission from the Parks Department. Verbal or written notice shall also be given to the affected adjacent property owner prior to commencement of work.

Section 35.100 Street Trees – Private Property Owner Responsibility.

Any owner of private property abutting City planter strips upon which street trees are located shall:

- A. obtain a planting permit before planting any new tree, waterwise landscape, or re-landscape of any existing park strip;
- B. provide periodic watering, fertilization, and minor pruning of street trees when necessary to maintain good health and vigor;
- C. protect street trees against damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment or attachment of any item such as signs, nails, wires, ropes, and chains; and
- D. maintain public rights-of-way in a neat, clean, orderly, and healthful condition. This is meant to include weeding, removal of tree litter, mowing of lawns, replacement of dead trees and plants and the regular watering of all plantings.

Section 35.110 Street, Sidewalk, and Corner Clearance.

Every adjacent property owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches do not obstruct the light from any streetlamp, the view of any street intersection, or the ability of pedestrians to use the sidewalk. There shall be a clear space of 14 feet above the street surface and eight feet above the sidewalk surface. Such owners shall remove all dead, dangerous trees, broken or decayed limbs that constitute a menace to the safety of the public within five days of notification of the obstruction. The City shall have the right to require the property owner to prune any tree or shrub on private property when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device or sign or clear view area at intersections. The property owner may be charged with the cost of removal or pruning.

Section 35.120 Tree Preservation.

- A. Protection near Construction Activities. Any tree on City property in the immediate vicinity of any excavation, fill, soil compaction, demolition, renovation or construction site of any building, structure, or street work, which in the Urban Forester's opinion has any potential for injury or damage, shall be protected according to Arboricultural Standards and Specifications. Protected trees shall be guarded with a substantial fence, frame, or box. Such protective structure shall be not less than four feet high and eight feet square, or at a distance in feet from the tree equal to two times the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is the greater distance from the tree. All building materials, vehicles, extra dirt, or other debris shall be kept outside the barrier. Tree protection shall be coordinated with the Parks Department both pre-and post-construction to mitigate damage to the tree and danger to the public. It shall be unlawful to engage in any construction work without first taking the steps to protect the tree(s) and any injury or death may result in reimbursement to the City. The value of the tree shall be pre-determined by the Urban Forester and made known to the contractor before construction begins.
- B. State of Utah Heritage Trees. Heritage trees are governed by the State of Utah and designated by the Utah Division of Forestry, Fire and State Lands and the Utah Community Forest Council. Lehi City encourages the protection of accepted and recognized 'Heritage Trees according to Utah Code 65A-8-301 et seq.

Section 35.130 Injuring Trees.

- A. Abuse of Mutilation of Trees. It shall be unlawful for any person to:
1. cut, carve, break, transplant, remove, mutilate, or otherwise damage or kill any tree on city property unless authorized by the City as part of an approved tree care or tree maintenance project;
 2. attach any rope, hammock, straps, wire, nails, advertising poster, or other contrivance to any public tree;
 3. allow or to place in or upon any parking strip, parking area, or public plat any gaseous, liquid, or solid substance which is harmful and deleterious the soil or vegetation that could come in contact with any tree, shrub or turf on city property.
 4. intentionally, maliciously or through negligence to injure or destroy any vegetation in any street median, planter strip, or other landscaped portion of a public right-of-way under the City's jurisdiction, except as authorized by the Parks Department.
- B. City Property – Placing Materials Thereon. No person shall deposit, place, store, or maintain upon any public property any stone, brick, sand, concrete, or other material which may prevent the passage of water, air, or nutrient to the roots of any tree growing therein, other than decorative rock gardens or other planned and approved landscaping materials. No unsightly materials shall be placed, stored or kept on the planter strip within the public rights-of-way.
- C. Tree Topping. Topping of any street tree, park tree or any tree on public property shall be prohibited unless specifically coordinated with the Parks Department. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section of the Chapter through a determination of the Urban Forester.
- D. Replacement – Compensation. In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree of equivalent dollar value on public property, unless otherwise determined by the Urban Forester. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree.
- E. Devaluation. Any public tree that is determined by the Urban Forester to be damaged, but not sufficiently to justify removal, shall be considered to be devalued. The amount of devaluation as determined by the Urban Forester shall be paid to the City by the person causing the damage.

Section 35.140 Appraisal of Trees.

Anyone who causes damage or destruction to a public tree without proper written permission, shall compensate the City for such damages. The damages shall be determined by the City using the methodology of the I.S.A. and Council of Landscape Appraisers at full appraised value. The City Attorney may take whatever action is necessary in a court of competent jurisdiction to collect such damages as are not voluntarily paid after assessment. Any funds collected for tree damage shall be earmarked for use for tree replacements or enhancements. The value of the tree(s) shall be determined by the Urban Forester by using the methods of the most recent edition of the Guide for Plant Appraisals, published by ISA.

Section 35.150 Power Line Clearance Standards.

Rules in this subsection relating to the health and care of the trees and other vegetation within the A.P.P.A. Safety Manual as adopted by the Lehi City Power Department. All work on trees shall be performed in conformance with the BMP standards listed in this Section.

- A. As it relates to power line clearance work, a notice shall be provided to the property owner before any pruning or removal of trees or other vegetation located on private property is performed. In cases of an emergency when time is not available to provide prior notice, effort to make written or oral notification of work performed will be done as soon as practical, after the fact.
- B. The power line clearance tree trimming crews shall have the right to enter private property in order to conduct the provisions stated in this chapter. Apart from pruning and removal efforts, all private property will be left in the condition it was found.
- C. When the property owner refuses trimming or removal of a tree that is necessary to ensure proper line or facilities clearance, any damage that is caused by the conflicting tree or vegetation to the Lehi City Power Department power system shall be the responsibility of the property owner. Any damage to public or private property and any bodily injury or death due to the property owner refusing trimming or removal of a tree shall also be the responsibility of the property owner. The property owner shall be required to pay all monetary and legal damage and the repair costs incurred.
- D. Public Utility Companies. All public utility companies shall notify the Parks Department prior to pruning any tree located on City-owned property for the purpose of maintaining safe line clearance and shall carry out such work in accordance with ANSI A-300 and BMP arboricultural standards.

Section 35.160 Resolution of Conflicts Between Trees and Structures.

Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The Park Department shall be responsible for developing or coordinating corrective measures in consultation with the Public Works Director, City Engineer and Streets Superintendent. The Urban Forester shall have the authority and jurisdiction of regulating the removal of vegetation that cannot be corrected without removal.

Section 35.170 Replacement of Street Trees.

Whenever street trees are removed from any public street, avenue or planter strip, an adequate replacement shall be made by the person to whom permission for such removal was given. The new trees shall conform to the Street Tree Selection Guide, Lehi Development Codes, and Lehi Landscape Standards and Specifications. The replacement trees shall be planted within one year of the former trees' removal. If a street tree cannot be replaced due to conflict with utilities, street signs or line of sight issues, a tree may be planted within the property with recommendation from the Urban Forester.

Section 35.180 Dangerous or Hazardous Conditions Which are Declared a Public Nuisance.

- A. It shall be prohibited to knowingly keep or maintain a public or private tree or other vegetation that is a danger or a hazard to other trees or plants or to humans because the tree is host to a communicable or destructive disease or because of the size, location, or other characteristics of the tree.
- B. The following are hereby defined and declared to be a public nuisance:
 - 1. any vegetation on public or private property that is dead, partially uprooted or blown over so as to be in danger of falling, or which serves as a host to a communicable or destructive disease or other pestilence and constitutes a potential threat to other trees;
 - 2. the roots of any tree which cause the surface of a public street, curb or sidewalk to be upheaved or otherwise disturbed or which cause damage to sewers, storm drains, electric power lines, gas lines, water lines, or other public utility lines; and

3. any public or non-public tree or portion thereof which by reason of location or condition, interferes with any power transmission line, public street, sidewalk, or signage, or constitutes an imminent danger or hazard to the health, safety or well-being of the public.

Section 35.190 Abatement or Removal of Dangerous or Hazardous Trees on Private Property.

Where a dangerous or hazardous tree is located on private property, the following provisions shall apply:

- A. Upon the determination by the Parks Department or Risk Management that a dangerous or hazardous tree exists and that such a tree constitutes a public hazard, the Urban Forester or designee shall give written notice to the owner of the property upon which the hazard exists to trim, remove, or otherwise control such tree in such a manner as will abate the hazard.
- B. Trimming or removal shall be done by the property owners at their expense within 30 days after the date of service of notice. Failure to comply with such written notice within 30 days thereafter is a violation of this section. Once in violation, the City shall have the right to cause the trimming or removal of any trees deemed to be a public hazard on private property or procure abatement thereof and may charge the cost of removal or corrective action to the owners of record on the property tax notice.
- C. Notwithstanding subsections 35.190.A and B, if the tree is deemed to be an immediate hazard or imminent danger, the City may take immediate action to trim or remove the tree and charge the cost of removal or trimming to the owners of record on the property tax notice.

Section 35.200 Interference with Maintenance and Removal Unlawful.

No person, firm, or corporation shall interfere with the City or persons acting under the applicable department head's authority while engaged in planting, mulching, pruning, or removing any tree, shrub or plant along any street, right-of-way or public place in the City.

Section 35.210 Penalty for Violation.

- A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. In addition to any criminal penalties that may be imposed, Lehi City may pursue civil penalties and restitution for actual damages.

Section 35.220 Public Appeals.

Any decision of the City regarding this Chapter may be appealed to and heard by the City Council, following review and recommendation regarding the appeal by the Urban Forester and Tree Commission. To be effective, a written appeal must be filed with the City Recorder within 30 days after the decision of the City. The appeal shall clearly specify the reasons for which a hearing is requested. After the City Council has received a recommendation from the Urban Forester and Tree Commission, the City Council shall have the matter placed on its agenda for hearing and shall thereafter render its decision in writing. The decision of the City Council shall be final.